IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6637 of 2007()

AGAINST THE ORDER DATED 23/10/2007 IN CMP 5108/2007 IN CMP.5109/2007 of J.M.F.C.,KASARAGOD
CRIME NO.326/07 OF MANJESHWAR POLICE STATION

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: PETITIONER/3RD ACCUSED

MUHAMMED HANEEF, S/O.P.M.IBRAHIM,
MUNNAMKUZHI, HAJI ROAD, UPPALA,
KASARAGODE DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
MANJESHWAR POLICE STATION.

2. STATE REP; BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6637 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for regular bail. The petitioner is the 3rd accused. He faces allegations for offences punishable, inter alia, under Sections 323 and 308 r/w 149 I.P.C.

2. The defacto complainant is a conductor of a stage carriage. The alleged incident took place on 21.10.07. There was some previous dispute for the passengers with the conductor about non return of the balance money due from the conductor. On account of that animosity, a group of persons including the petitioner is alleged to have attacked the defacto complainant with a stone. Crime is registered. The petitioner was arrested on 23.10.07. He continues in custody from that date.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. No injury worth the name has been suffered by the victim. Exaggerated allegations are being raised and the police are obliging the defacto complainant by registering a crime under Section 308 I.P.C. Such registration has now denied liberty to the petitioner from the date of arrest. Only because of the offence under Section 308 I.P.C, the petitioner is constrained to languish in prison now. The petitioner may be enlarged on bail, it is prayed.

4. The learned Public Prosecutor does not oppose the said prayer. It has been confirmed that no serious injury whatsoever has been suffered by the victim. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-